

F. J. KRETSCHMER

IBLA 81-704

Decided October 26, 1981

Appeal from decision of the Wyoming State Office, Bureau of Land Management, rejecting oil and gas lease offer W 70622.

Affirmed.

1. Oil and Gas Leases: Applications: Drawings -- Oil and Gas Leases: Applications: Filing

Where an offeror submits two drawing entry cards on a parcel, both cards are properly disqualified. It is irrelevant that there may have been actually only one card in the drawing due to BLM's rejection of the other before the drawing, as it is the submission of more than one card per parcel which is prohibited under 43 CFR 3112.2-1(a)(2).

APPEARANCES: F. J. Kretschmer, Esq., pro se.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

F. J. Kretschmer has appealed from a decision by the Wyoming State Office, Bureau of Land Management (BLM), issued on April 24, 1981, rejecting his simultaneous noncompetitive oil and gas lease offer drawing entry card, which was drawn with first priority in the drawing for parcel WY 1301 in the December 1979 listing of available parcels.

Two drawing entry cards, however, were submitted by appellant for parcel WY 1301. Both entry cards are dated December 19, 1979; both cards reflect the same social security number, the same parcel number, and the same address. Thus, on the date of the drawing, appellant had two different offer cards for this parcel extant.

BLM apparently was unaware initially that appellant had filed two different cards on this parcel as it proceeded to recognize the card which was drawn first as a valid offer and to take steps toward issuance of the lease to appellant. However, on April 24, 1981, BLM rendered a decision pointing out that appellant had filed two different cards for this parcel, and rejecting his offer pursuant to 43 CFR 3112.2-1(a)(2).

[1] The regulation, 43 CFR 3112.1(a)(2), which was in effect at the time parcel WY 1301 was drawn, states in part:

An offeror (applicant) is permitted to file only one offer to lease (entry card) for each numbered parcel on the posted list. Submission of more than one entry card by or on behalf of the offeror for any parcel on the posted list will result in the disqualification of all the offers submitted by that applicant for that particular parcel. [Emphasis added.]

In the statement of reasons, appellant asserts that the intent of the regulation, 43 CFR 3112.1(a)(2), is self evident; that the filing of more than one offer would serve to increase the mathematical odds of one offeror, if drawn physically, by lot, as was formerly done; that the December 1979 oil and gas lease drawing was handled by a computer; that the computer is programmed to examine all social security or identifying numbers, and automatically reject any duplication, and thus effectively only one number remains in the final drawing. Appellant concludes that although he may have, in fact, filed two cards, nevertheless there is no showing that both were used in the drawing so as to increase the mathematical possibility of his being the successful applicant. Accordingly, the appellant requests that he not be penalized for an inadvertent error which did not in fact enhance his chances in the drawing.

It is clear that appellant submitted more than one offer card for parcel WY 1301 in the December 1979 listing of available parcels. Accordingly, BLM properly disqualified both offers, including the one which was drawn with first priority, and we affirm its decision so doing. Mae R. Colvin, 42 IBLA 266 (1979); Rupert Hickman, 36 IBLA 353 (1978); Arthur H. Davison, 23 IBLA 15 (1975); Imre Prepeliczay, 22 IBLA 13 (1975).

It makes no difference, as appellant suggests, that BLM had the opportunity to reject one of these offers prior to the drawing, so that the duplicate card would not be included in the drawing and appellant actually would only have had one chance to win. What is prohibited by the regulation is the submission of multiple offers, which action compels the rejection of all such offers.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Edward W. Stuebing
Administrative Judge

We concur:

Bernard V. Parrette
Chief Administrative Judge

Douglas E. Henriques
Administrative Judge

